

## **NECESSITY OF CERTAIN REFORMS IN THE FIELD OF LEGAL EDUCATION- IMPORTANCE OF CLINICAL LEGAL EDUCATION IN INDIA**

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### **ABSTRACT**

Since 1961, the Indian Advocates Act was enacted by the Parliament, the developments in legal education can be grouped into two phases: 1. Relating to expansion and consolidation and 2. Which is still continuing as of quality improvement and increased social relevance. The paper highlights these major issues: globalization problems, lack of professional skills, shortage of efficient training in the field of interest and survival problems after completion of course etc. This is because, through the entire syllabi, the curriculum focuses only on theoretical study. Apart from such conventional method of teaching, practical training, knowledge sufficient to meet today's purposes and communication skill etc. should be imparted to the legal education. In the concluding part, the paper discusses the role of Bar Council of India and University Grants Commissions to restructure the legal education in tune with the need of the hour.

**KEYWORDS:** Clinical Legal Education, Professional Skill, Practical Training, Curriculum, Bar Council of India, University Grants Commission, Law Commission Reports

### **INTRODUCTION**

"We can't solve problems by using the same kind of thinking we used when we created them."

**Albert Einstein**

In modern societies, law performs a variety of functions. The role of lawyers, in the olden days, was only dispute settlement perspective. But today the concept was totally changed. It looked upon as a policy instrument for the social, economic, moral and cultural development of the entire nation. Therefore the relevance of legal education requires more attention to shape the future lawyers.

It is difficult to comprehend the dimensions of change and the demands of the legal profession in the coming century. The challenges that legal education facing now:-

- Because of the establishment of WTO and of the prospects for trade in service, we need to produce universal lawyers, comfortable with any other legal systems.
- Because of the growth of the communication and information technology, the style of advocacy of future lawyers to be proficient in managing all types of information, apart from statutes and judicial pronouncements.
- To address the issues of minorities and marginalized sections of society, the law syllabus should be expanded accordingly.

Nowadays the relevance of legal education is in its zenith. A lot of opportunities are there to accommodate and place every student of law in different areas of profession. And it is interesting to note that, the sanctity of legal education

in Kerala is not in an admirable position compared with the situations in other states of India. So, the entire academia is duty bound to produce quality outcome to rectify this misunderstanding.

### **Concept of Clinical Legal Education**

The Clinical Legal Education can be defined in various ways –

“Clinical Legal Education is essentially a multi-disciplined, multipurpose education which can develop the human resources and idealism needed to strengthen the legal system... a lawyer, a product of such education would be able to contribute to national development and social change in a much more constructive manner.” “A learning environment where students identify, research and apply knowledge in a setting which replicates, at least in part, the world where it is practiced. It almost inevitably means that the student takes on some aspect of a case and conducts this as it would be conducted in the real world.”

It is a method of “learning through doing”. As we know, this concept is borrowed from the medical education, where medical students learn diagnosis and treatment around sick patients in a hospital under the direct supervision and guidance of doctors. The unique aspect of the clinical method is the active participation of the students under faculty guidance and supervision.

In the context of legal education, it refers to any law school course or program in which law students participate in doing what lawyers usually do including representation of clients under the supervision of lawyers/teachers. It also includes teaching and guiding students to look into issues from diverse points of view in order to understand the legal process in the context of social policies and processes. The formulation of an academically sound and professionally responsible clinical methodology for legal education must begin with an examination of the setting in which legal education takes place. The most important factor in this educational environment is the status and position of the learner. This status of law student is related to their desire to make their own decisions and facing the consequences to a degree much more than other college student.

Moreover apart from litigation oriented activities, lawyers are involved at the professional level in the social, political and economic life of the country influencing the course of development and in turn getting influenced by them. Students have to be exposed to the complexity and dynamics of this situation to make their own professional choices, skills and responsibilities in an informed and intelligent manner. The clinical method of law teaching seeks to accommodate each of these factors for maximizing educational opportunities for the student.

For this purpose the application form itself should specify, the area of interest of the student, whether he is interested in corporate law, civil/ criminal advocacy, ADR settlement, counseling, teaching, judicial service, social action lawyering or any other innovative field. Then only the students can be trained accordingly with the help of some clinical legal education / finishing school.

### **Effect of Finishing School**

If properly devised and implemented, the clinical method of law teaching gives law students a deeper and more meaningful understanding of law, the legal profession and lawyering process than would be possible if these same subjects were taught with traditional methods in classroom. Moreover, the subject matter or contents of clinical legal education and the clinical method of law teaching should be separated. But in almost all law departments, there is legal aid clinics, But it

is not effective as in the way, mentioned earlier. The object of the finishing school is to instill in fresh law graduates the confidence and courage to start a new career and provide all the support for them to kick start their new career path. At the finishing school provide the students with all the possible support and guidance to transform them into an unmatched professional in the field of their choice. A fresh law graduate is always apprehensive about his future; he is unsure about how and where to start and this could result in a lack of confidence and also could put him at a lower platform than others. As for example, it is easy to construct a building using bricks, sand and cement, but not that much easy to shape the building in a beautiful and desired manner according to the interest of the person constructing it. Some additional efforts and materials are required for shaping it. Likewise a student of law can be shaped with the help of a finishing school, and a suitable person fitted for the profession.

### **Etiquette and Manners**

The finishing school aims to provide those finer points of a social life which is quintessential for every lawyer in the present age, keeping in mind both the Indian and Foreign tradition. The training in finishing school includes :-

Intensive guidance provided for raising awareness on how to conduct in a social or an official gathering and the rules to be followed in a formal gathering.

### **Improving Communication Skills, Public Speaking, Non verbal Communication etc.**

Speech and body language are considered as the most important factors that enhance ones personality. Stress should be given on clarity of thought and speech.

Non verbal Communication – This is what is called as “Body Language”. The way a person presents himself is very important.

### **Being Self Sufficient in Key Areas Related to Legal Practice**

A Lawyer has to be self sufficient. The position is that a fresher lacks experience in drafting a strong case and so, at the finishing school, provide assistance to further drafting capabilities, so that they are at par with the best in the business. Important Areas are:-

- Legal Research
- Legal Writing – Legal Drafting, briefing and argumentation
- Litigation skills – Trial advocacy & Appellate advocacy
- Fact investigation
- Client counseling skills
- Alternate Dispute Resolution
- Law office Management
- Ethical skills and values etc.

Moreover, a **GK Lab**- for the purpose of generating general knowledge in each student through which he can be a responsible citizen and that also will help the student struggling in competitive examinations.

Another preference is a **Language Lab**, the student of law can improve his knowledge in language and efficiency and eloquence in language which is very important to meet the professional requirements today.

Career cell, Public Interest litigation Centre, training in Alternative Dispute Resolution mechanism etc. should be attached to the finishing school. A smart class room is a necessary requirement because they may get inspired by the visible examples and experience.

The training under these level should start from third/forth year onwards. For making it effective, the service of adjunct lawyers, retired experts in the concerned field etc. can be invited as mentioned in the 184<sup>th</sup> Law Commission Report, (The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956). In several laws schools in US, between 20% to 40% of the credit hours are allocated to the adjuncts, that is the practicing lawyers and judges. One of the important recommendations of the Mac Crate Report also relates to the need not only for permanent full time faculty but also to “make appropriate use of skilled and experienced practicing lawyers and Judges\_in professional skills”, and receive guidance, from part-time adjunct teachers drawn from practicing lawyers and retired Judges.

### **Interdisciplinary Legal Education**

Legal education must seek to serve distinct interdisciplinary knowledge domains – law and society, law, science and technology; law, economics, commerce and management. To that extent, certain new law subjects should be introduced in the five year course of LLB in the first and second years.

As Dr. N.R. Madhava Menon (a modern jurist in India) points out, the legal education should be interdisciplinary. Apart from B.A.LL.B and B.B.A.LL.B there should be B.Com LL.B, B.Sc. LL.B and B.C.A.LL.B etc. The purpose is that students should not forced to study a subject in which they don't have any interest. Through that way, the legal education can be an interesting one. Moreover for specialization in different fields it is very important. As for example a lawyer specialized in accounting can be an a good manager and a lawyer specialized in computer application can be an efficient cyber law expert. Likewise the legal education can be molded effectively.

### **CONCLUSIONS**

For this purpose, a restructuring and reform in legal education from the very beginning onwards, especially from the stage of application and at the clinical level and at the finishing level etc. should be taken care of for the effective legal education to shape the future lawyers. Training must focus on building up the student, skills of analysis, language, drafting and argument etc. It must bear in mind that while most of the students may choose a professional career as a lawyer, some others may choose a judicial career or career as a legal consultant or law officer in government or an academic career.

The Bar Council of India (BCI), under Section 7 (1) (h) of the Advocates Act, 1961, is empowered to promote legal education and lay down 'standards' of such education in consultation with the Universities imparting such education. The University Grants Commission, under Section 2 (f) of the University Grants Commission Act, 1956 (UGC Act) is also having power to exercise control over the Universities and affiliated colleges for prescribing standards of education. The BCI may prescribe standards of legal education in consultation with the universities.



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